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Goodwin Procter LLP			KIM, PAUL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/709,141

Applicant(s)

SCHAUSER ET AL.

Examiner

Paul Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/15/07</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office action is responsive to the following communication: Amendment filed on 4 September 2007.
2. Claims 1-26 are pending and present for examination.

Response to Amendment

3. Claims 1-13 and 26 have been amended.
4. No claims have been further cancelled.
5. No claims have been further added.

Information Disclosure Statement

6. The information disclosure statement (IDS) submitted on 15 October 2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-2, 5-6, 8-18, 20, and 22-26** are rejected under 35 U.S.C. 102(b) as being anticipated by Boss et al (U.S. Patent No. 6,329,984, hereinafter referred to as BOSS), filed on 26 November 1997 and issued on 11 December 2001.

9. **As per independent claims 1, 14, and 26**, BOSS teaches:

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A bandwidth-adaptive method for synchronizing display data between a source node and a plurality of consumer nodes, the method comprising the steps of:

- (a) identifying, by a source node, a change in local display data {See BOSS, C8:L6-9, wherein this reads over "when there is a change in the number or positions of windows on the host system, detection of covered portion of shared tasks feature of the present invention is initiated"};
- (b) creating, by the source node, at least one data packet representing the change in local display data {See BOSS, C8:L21-29, wherein this reads over "a communication packet containing the window list created in blocks 354 through 359 is sent to the client system"};
- (c) receiving, from the source node, metadata information identifying at least one data packet representing the current state of local display data {See BOSS, C8:L4-29, wherein this reads over "the window in the list is marked as being shared" and "a communication packet containing the window list created in blocks 354 through 359 is sent to the client system"};
- (d) receiving, from the source node, at least one of the identified data packets {See BOSS, C8:L30-43, wherein this reads over "[o]nce the communication packet is transmitted to and received by the client system, a censor routine is initialized"};
- (e) selecting at least one of the received data packets responsive to the received metadata information {See BOSS, C8:L44-46, wherein this reads over "[i]f the window in the communication packet examined belongs to a shared task, then in block 370 the window region is added to the shared region"};
- (f) transmitting to a consumer node the metadata information {See BOSS, C8:L4-29, wherein this reads over "the window in the list is marked as being shared" and "a communication packet containing the window list created in blocks 354 through 359 is sent to the client system"}; and
- (g) transmitting to the consumer node the selected at least one data packet {See BOSS, C8:L44-46, wherein this reads over "[i]f the window in the communication packet examined belongs to a shared task, then in block 370 the window region is added to the shared region"}.

10. **As per dependent claims 2, 15, 17, BOSS teaches:**

The method of claim 1 further comprising receiving, prior to selecting the at least one of the received data packets responsive to the received metadata information, a request from a consumer node for the current state of the source node local display data {See BOSS, C7:L16-20, wherein this reads over "sensor application 107 monitors Windows system 105 to determine if there is any new task created"}.

11. **As per dependent claim 5, BOSS teaches:**

The method of claim 1 wherein selecting the at least one of the received data packets responsive to the received metadata information comprises selecting a plurality of the received data packets responsive to the received metadata information {See BOSS, C8:L44-46, wherein this reads over "[i]f the window in the communication packet examined belongs to a shared task, then in block 370 the window region is added to the shared region"}.

12. **As per dependent claim 6, BOSS teaches:**

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The method of claim 5 wherein transmitting to the consumer node the selected at least one data packet comprises transmitting to a consumer node each of the selected plurality of data packets {See BOSS, C8:L4-29, wherein this reads over "the window in the list is marked as being shared" and "a communication packet containing the window list created in blocks 354 through 359 is sent to the client system"}.

13. As per dependent claims 8 and 22, BOSS teaches:

The method of claim 1 further comprising storing the received metadata information in a memory device {See BOSS, Figure 13a-c}.

14. As per dependent claims 9 and 20, BOSS teaches:

The method of claim 1 further comprising storing at least one of the received data packets in a memory device {See BOSS, Figure 13a-c}.

15. As per dependent claims 10 and 16, BOSS teaches:

The method of claim 9 further comprising:

selecting at least one of the stored data packets responsive to the received metadata information {See BOSS, C8:L44-46, wherein this reads over "[i]f the window in the communication packet examined belongs to a shared task, then in block 370 the window region is added to the shared region"}.

16. As per dependent claim 11, BOSS teaches:

The method of claim 10 where step (g) comprises:

(g-a) transmitting to the consumer node the selected at least one of the received data packets {See BOSS, C8:L4-29, wherein this reads over "the window in the list is marked as being shared" and "a communication packet containing the window list created in blocks 354 through 359 is sent to the client system"}; and

(g-b) transmitting to the consumer node the selected at least one of the stored data packets {See BOSS, C8:L44-46, wherein this reads over "[i]f the window in the communication packet examined belongs to a shared task, then in block 370 the window region is added to the shared region"}.

17. As per dependent claim 12, BOSS teaches:

The method of claim 1 further comprising storing, in a memory element, information identifying the at least one data packet transmitted to the consumer node {See BOSS, Figure 13a-c}.

18. As per dependent claim 13, BOSS teaches:

The method of claim 12 further comprising selecting at least one of the received data packets responsive to the received metadata information {See BOSS, C8:L4-29, wherein this reads over "the window in the list is marked as being shared" and "a communication packet containing the window list created in blocks 354 through 359 is sent to the client system"} and the stored information identifying the at least one data packet transmitted to the consumer

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node {See BOSS, C8:L44-52, wherein this reads over "the above described process between blocks 364 and 371 is repeated until there are no more windows in the communication packet"}.

19. **As per dependent claim 17**, BOSS teaches:

The system of claim 17 wherein the source node transmits a plurality of metadata packets, each of the plurality of metadata packets representing one state of the source node local display data {See BOSS, C8:L30-43, wherein this reads over "the last window in the communication packet . . . is examined"; and "the window is examined if it belongs to a shared task"}.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. **Claims 3-4, 7, 19, and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over BOSS.

22. **As per dependent claim 3**, while BOSS may not expressly disclose the repeating of "steps (a) through (d) until a request is received from a consumer node for the current state of the changing data set," it would have been obvious to one of ordinary skill in the art at the time the invention was made to iteratively repeat steps (a) through (d) so that when state of the source node changes, data packets identifying the changes may be transmitted and received.

23. **As per dependent claim 4**, BOSS teaches:

The method of claim 3 wherein selecting the at least one of the received data packets responsive to the received metadata information comprises:

(e-a) selecting one of the received metadata information {See BOSS, C8:L44-46, wherein this reads over "[i]f the window in the communication packet examined belongs to a shared task, then in block 370 the window region is added to the shared region"; and

(e-b) selecting at least one of the received data packets identified by the selected metadata information {See BOSS, C8:L44-46, wherein this reads over "[i]f the window in the

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communication packet examined belongs to a shared task, then in block 370 the window region is added to the shared region"}.

24. **As per dependent claim 7**, while BOSS may not expressly disclose the method step of receiving from the source node at least one of the identified data packets in encrypted form, it would have been obvious to one of ordinary skill in the art at the time the invention was made to encrypt data packets so that said packets may be transmitted in secure form.

25. **As per dependent claim 19**, while BOSS may not expressly disclose that a communication service selects a first metadata packet to transmit to the first consumer node and a second metadata packet to transmit to the second consumer node, it would have been obvious to one of ordinary skill in the art at the time the invention was made that where there are more than one consumer nodes, the communication service would appropriately send each consumer node a metadata packet acknowledging the change in states of the source node since each node may having different shared tasks.

26. **As per dependent claim 21**, while BOSS may not expressly disclose that the memory element is a persistent storage device, it would have been obvious to one of ordinary skill in the art at the time the invention was made that a persistent storage device may be used to store transmitted data such as metadata and data packets.

Response to Arguments

27. Applicant's arguments filed 4 September 2007 have been fully considered but they are not persuasive.

a. Rejections under 35 U.S.C. 102

Applicant asserts the argument that "Boss does not describe employing metadata information that identifies at least one data packet representing a state of, or a change in, local display data." See Amendment, page 11. The Examiner respectfully disagrees. Boss discloses an invention wherein a list of shared windows is transmitted between a host computer system a client computer system, said list would read upon metadata information of the claimed invention.

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Accordingly, wherein the list is transmitted via a communication packet to the client system, said transmission would inherently be directed to the identification of "at least one data packet representing a state of, or a change in, local display data." That is, the transmission of the window list data (i.e. the metadata information) via the communication packet (i.e. the data packet) inherently identifies the communication packet as representing the current state of the local display data.

Accordingly, the rejections under 35 U.S.C. 102 are sustained.

b. Rejections under 35 U.S.C. 103

As per the rejections under 35 U.S.C. 103, Applicant has not presented any prior art arguments for overcoming the rejections contained in the prior Office Action, dated 8 May 2007. Furthermore, by virtue of dependency, the rejections of these claims are sustained for the reasons stated above.

Conclusion

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

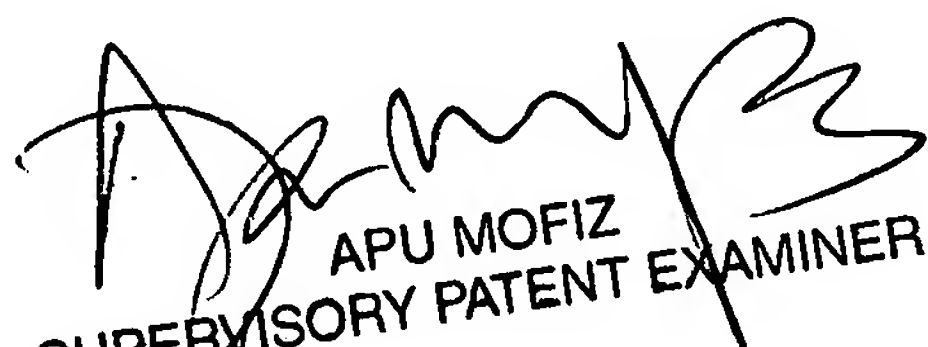
29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Kim
Patent Examiner, Art Unit 2161
TECH Center 2100


APU MOFIZ
SUPERVISORY PATENT EXAMINER